

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Thomas J. Willi, Town Administrator / 797-1023

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AFFIRMING THE TOWN'S INTERNET, E-MAIL, AND COMPUTER USE POLICY.

REPORT IN BRIEF: A new policy concerning internet, e-mail, and computer use has been devised to instruct users of Town resources in the appropriate manner in which these resources should be utilized. The policy instructs users what activities are prohibited and further explains that there should be no expectation of privacy when using Town owned resources. An acknowledgement form will need to be signed by every employee, and official, and placed in their personnel file. Future revisions to this policy will be done administratively.

This newly revised memo deletes the provision that was previously included which would have placed the responsibility for content, on the users of the Town's information systems. This revision emanates from the interpretation by the Town Attorney of an opinion written by the Attorney General. The memo from Town Attorney Kiar recommending the change has been included for your review.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT:

Has request been budgeted? N/A

RECOMMENDATION(S): Motion to approve resolution.

Attachment(s): Resolution.

Resolution _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AFFIRMING THE TOWN'S INTERNET, E-MAIL, AND COMPUTER USE POLICY.

WHEREAS, the Town of Davie has devised a new policy concerning the appropriate use of the internet, e-mail, and computers which will be distributed and signed by all users of the Town's information systems resources; and

WHEREAS, the policy is also intended to advise users of the Town's information systems resources that there should be no expectation of privacy.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the Town Council supports and affirms the Town's internet, e-mail, and computer use policy.

SECTION 2. That this policy can be revised as needed administratively, and all revisions will be provided to users of the Town's information systems resources as they are produced.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2003

Mayor/Councilmember

ATTEST:

Town Clerk

APPROVED THIS ____ DAY OF _____ 2003

Acknowledgement of Receipt and Review

GENERAL POLICIES:

Internet, E-Mail, and Computer Use Policies and Guidelines

I have read and reviewed the above named policies and guidelines. By my signature, I agree to abide by the guidelines currently in place and to periodically review any changes or modifications. I recognize that the law and associated policy regarding the use of the internet, and electronic mail are continually evolving. Therefore, I understand that my regular review of policy is required. I understand updates to the policies and guidelines will be made available to employees and officials as they are produced. I further understand that it is my responsibility to ensure that I refer to the most recent version of the policies and guidelines. Furthermore, I have been given the opportunity to ask questions regarding these policies.

Print Name: _____

Signature: _____

Date: _____

To be included in employee's/official's personnel file.

Town of Davie

Administrative Policy #1.003

Internet, E-Mail, and Computer Use Policies and Guidelines

Purpose

The Town's policy regarding the use of the internet, e-mail and computer equipment is, among other things, intended to guide you in the performance of your duties as a Town employee. It is also intended to place you on notice that you should not expect e-mail in your possession, or those that you send out, and their contents to be confidential or private. All data, including any that is stored or data printed as a document is subject to audit and review. **There is no expectation of personal privacy in the use of the internet and e-mail.**

All Department Directors are responsible for the implementation and adherence of this policy within their respective departments. Department Directors are encouraged to work with their staff toward that objective. In the event that any department or division policy contradicts this policy this policy shall govern.

Records Law

The Florida Public Records Act (FPRA), Chapter 119 of Florida Statutes, requires the Town to make all public records available for inspection and to provide copies upon request. A public record is defined in F.S. Chapter 119.011(1) as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency;" however, the FPRA includes a number of exemptions from the disclosure requirement. In light of newly established federal law under the Health Insurance Portability and Accountability Act (HIPAA), all personal information concerning an insured employee of the Town is considered personal health information (PHI) and is exempt from inspection under the Public Records Act. If there is some doubt about what constitutes a public record, the employee should contact his or her department head, or through proper channels, the Town Attorney for a determination.

By using the Town's e-mail and/or voice mail systems and other equipment including Town computers, employees and officials knowingly and voluntarily consent to being monitored and acknowledge the Town's right to conduct such monitoring. The Town reserves the right to monitor internet use, e-mail, and other transmissions, as well as any stored information, created or received by users of the Town's information systems. The reservation of this right is to ensure that public resources are not being wasted and to ensure that the Town's information systems are operating as efficiently as possible in order to protect the public interest. All computer applications, programs, and work-related information created or stored on the Town's information systems is Town property, and a public record subject to public examination if requested.

It is important to note that e-mail messages can be considered public records and as such may have varying retention requirements according to the nature of their content. All Town staff

are responsible for adhering to the retention schedules established by the Florida Department of State Bureau of Archives and Records Management for all public records including e-mail messages. These schedules are available at the Department of State's web site as follows:

<http://dlis.dos.state.fl.us/barm/index.html>

Prohibitions

Users of the Town of Davie's computer information systems are prohibited from participating either directly or indirectly in the following activities unless expressly authorized by the Town Administrator, Director of Information Systems, or applicable department heads:

1. Use of any computer equipment, computer software, computer data, or computer accounts for unauthorized, or personal purposes.
2. Use of any computer equipment, computer software, computer data, or computer accounts for disseminating and/or exchanging personal health information.
3. Unauthorized possession, duplication, distribution, or installation of computer equipment, computer software, computer data, or computer account information.
4. Knowingly gaining access, attempting to gain access or circumvent security, or allowing unauthorized access to computer equipment, computer software, computer data, or computer accounts.
5. Unauthorized addition, deletion, or alteration of computer software, computer data, or computer accounts.
6. Knowingly introducing a set of instructions, programmatic or otherwise into computer equipment so as to cause damage to computer equipment, computer software, or computer data.
7. Unauthorized connecting, disconnecting, tampering, or making changes to physical components of computer equipment.
8. Unauthorized changes to computer equipment operating system settings.
9. Failure to respect all copyrights, proprietary rights, or software licensing agreements of computer software or computer data.
10. Using computer equipment or computer software for the purpose of eavesdropping.
11. Sending e-mail in such a way that it appears to be sent by another person.
12. Anonymous use, or use of pseudonyms on a computer system to escape responsibility for actions or to escape from prosecution of laws or regulations.
13. Sending obscene, harassing, threatening, or defamatory e-mail.

14. Failure to protect the confidentiality and privacy of computer data.
15. Failure to retain computer data in accordance with Florida Public Records Law and State retention schedules for public records.
16. Sending or soliciting messages that discriminate based upon gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preferences, or any other inflammatory messages.
17. Sending chain mail, or any communications commonly referred to as SPAM (i.e. hoaxes, contests, etc.).
18. Sending messages to the "All Users" group to inform of vacations, leaves of absence, or for personal purposes.

The use of public resources for personal gain and/or private use, such as but not limited to, outside employment, or for political campaign purposes by Town employees is prohibited and punishable by disciplinary action. Such disciplinary action may include termination and/or criminal prosecution depending upon the nature and severity of the transgression.

The term public resource as used in this policy includes not only the unauthorized use of equipment, hardware, software or other tangible articles, but also the employee time spent engaging in the prohibited activity while on duty. However, the Town Administrator, Director of Information Systems or applicable department head may authorize the use of computer resources in any manner consistent with the goals, objectives and policies of the business mission of the Town of Davie.

The Town of Davie will ensure that all users are aware of this policy by publishing it in appropriate media designed to reach all employees and officials of the Town, and furnishing a copy to all new hires and elected officials.

The Town Clerk's Office is responsible for maintaining this Administrative Policy.

This Administrative Policy may be amended at any time by the Town Administrator or his designee.

Revision History: Developed and Approved: August 20, 2003
 Revised and Approved: n/a

Effective Date: